

## **Explanation of Losses Subject to Restitution**

**Restitution** is an amount of money, determined by the court, to be paid by a convicted defendant to a crime victim for financial losses caused by the criminal act(s).

It is important that you speak with a Victim-Witness Assistance Program (VWAP) advocate or the assigned prosecutor about restitution prior to your first court appearance. It is also important that you make an itemized record of the value or cost of any property stolen or damaged, and any medical expenses resulting from the crime. Be sure to identify the amount of any insurance payments you have received or expect to receive. The types of losses for which the court may order restitution are explained below. You must explain these losses in detail on the attached form.

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In the case of an offense resulting in **damage to or theft or destruction of property**, the court may order: the return of the property to the owner of the property; or if return of the property is impossible, impractical, or inadequate, the court may order payment in an amount equal to the value of the property on the date of the damage, loss, or destruction.

In the case of an offense resulting in **bodily injury to a victim**, the court may order: payment of an amount equal to the cost of necessary medical, dental, psychological or psychiatric care. The court may also order payment to cover the cost of necessary physical and/or occupational therapy related to injuries suffered as a result of the crime. A victim who has suffered bodily injury may apply for coverage for related expenses through the state-run Criminal Injuries Compensation Fund as an alternative to restitution. Ask a VWAP advocate for details.

In the case of an offense resulting in **bodily injury that also resulted in the death of a victim**, the court may order payment of an amount equal to the cost of necessary funeral and related services. In the case of a victim who suffered bodily injury that resulted in death, the surviving family members may apply for coverage for related expenses through the state-run Criminal Injuries Compensation Fund as an alternative to restitution. Ask a VWAP advocate for details.

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\*\*\* Restitution does not include lost wages, childcare expenses, transportation or compensation for pain and suffering, emotional distress or other non-economic damages. These losses can be reimbursed in other ways, such as by the Criminal Injuries Compensation Fund or by proceeding against the defendant in a civil lawsuit, but they will not be included in any court-ordered restitution as part of the defendant's criminal case. \*\*\*

*Please call the York County/Poquoson Victim-Witness Assistance Program with any questions regarding restitution at (757) 890 – 3402.*